R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

<u>THE CLAIMS</u>

Claims 1, 4 and 7 have been amended to clarify that the image data from which the link is canceled is <u>automatically</u> moved from the first folder to the second folder when the link is canceled, as supported by the disclosure in the specification at, for example, page 42, line 23 to page 43, line 8.

In addition, claim 4 has been amended to clarify that the image data stored in the second folder is not linked to the audio data in the first folder, as supported by the disclosure in the specification at, for example, page 21, lines 12-22.

Still further, claim 6 has been amended to correct the typographical error pointed out on page 3 of the Office Action. It is respectfully requested that the objection to claim 6 be withdrawn.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

RE: THE REJECTION UNDER 35 USC 101

    Claims 1-3, 5 and 6 were rejected under 35 USC 101 as being directed to software *per se*, on the grounds that each of the claimed elements "could reasonably be interpreted . . . as being software alone." This rejection, however, is respectfully traversed.

    Claims 1-3, 5 and 6 recite a "data editing apparatus." Accordingly, it is respectfully submitted that claims 1-3, 5 and 6 are directed to a "machine" which is clearly statutory subject matter under 35 USC 101.

    As explained in MPEP 2106.01, "Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim."

    It is respectfully submitted that even if the Examiner's interpretation that each of the claimed elements of the data editing apparatus "could reasonably be interpreted . . . as being software alone" were reasonable, such an interpretation would still not render claims 1-3, 5 and 6 (which are directed to a data editing apparatus, which is a machine) unpatentable under 35 USC 101. Accordingly, it is respectfully requested that the rejection under 35 USC 101 be withdrawn.

RE: THE PRIOR ART REJECTION

Claims 1 and 4-7 were rejected under 35 USC 102 as being anticipated by USP 6,335,742 ("Takemoto");[1] claim 2 was rejected under 35 USC 103 as being obvious in view of the combination of Takemoto and US 2003/0167287 ("Forster"); and claim 3 was rejected under 35 USC 103 as being obvious in view of the combination of Takemoto and US 2003/0018777 ("Miller et al"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

In rejecting claims 1, 4 and 7 the Examiner relies on column 9, lines 15-18 and column 7, lines 35-65 of Takemoto as disclosing moving the image data, from which the link is canceled, from the first folder to the second folder when the link is canceled.

It is respectfully submitted, however, that column 9, lines 15-18 of Takemoto merely discloses that "after the thumbnail is selected, the image can be moved to a destination folder by dragging and dropping the thumbnail while pressing the Shift key." That is, as apparently recognized by the Examiner (see page 5, lines 12-13 of the Office Action), Takemoto merely

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[1] It appears that the reference to US 2002/0057457 ("Nozaki et al") with respect to claim 5 on page 7 of the Office Action is a clerical error.

discloses that an image can be moved by a user from one folder to another.

Takemoto also discloses at column 7, lines 35-65 various functions for manipulating image files, including the moving function described at column 9, lines 15-18.

Thus, Takemoto discloses moving image data, but makes no connection between moving the image data and canceling a link between audio data and image data. In fact, Takemoto merely discloses manually moving a thumbnail image.

It is respectfully submitted, therefore, that Takemoto clearly does not disclose, teach or suggest moving means for automatically moving the image data, from which the link is canceled, from the first folder to the second folder when the link is canceled by the link release means, such that the image data from which the link is canceled is no longer stored in the first folder, as recited in amended independent claim 1.

Similarly, Takemoto clearly does not disclose, teach or suggest automatically moving the image data, from which the link is canceled, from the first folder to a second folder in the memory of the computer when the link is canceled, such that the image data from which the link is canceled is no longer stored in the first folder, as recited in amended independent claim 4.

In addition, Takemoto clearly does not disclose, teach or suggest automatically moving the image data, from which the link

is canceled, from the first folder to the second folder when the link is canceled.

Forster and Miller et al, moreover, also do not disclose, teach or suggest these features recited in amended independent claims 1, 4 and 7.

Accordingly, it is respectfully submitted that amended independent claims 1, 4 and 7, and claims 2, 3, 5 and 6 depending from claim 1, all clearly patentably distinguish over Takemoto, Forster, and Miller et al, taken singly or in any reasonable combination, under 35 USC 102 as well as under 35 USC 103.

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In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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